Planning Agenda Item #_____

City of Wichita
City Council Meeting
February 9, 1993

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: DP-209 - APPROVAL OF THE 4-H CLUB COMMERCIAL COMMUNITY UNIT PLAN

Z-3085 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING AND "LC" LIGHT COMMERCIAL DISTRICTS TO THE "LC" LIGHT COMMERCIAL AND C" COMMERCIAL DISTRICTS, LOCATED ON THE NORTHWEST CORNER OF TYLER AND CENTRAL.

Z-3086 - ZONE CHANGE FROM THE "AA" ONE-FAMILY DWELLING DISTRICT TO THE "BB" OFFICE DISTRICT, LOCATED SOUTH OF BEKEMEYER, ON THE WEST SIDE OF TYLER ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve subject to conditions. (9-2)

Staff Recommendation: Approve, subject to platting.

CPO Recommendation: CPO Council "Northwest 5"'s motion for disapproval and approval failed by a vote of 2-3.

Background: On January 14, 1993, the MAPC held a public hearing to consider approval of a commercial community unit plan and associated zone change requests from the "AA" One-Family Dwelling and "LC" Light Commercial Districts to the "LC" Light Commercial and "C" Commercial Districts for a 19.26-acre portion of a 27.5-acre County-owned tract located on the northwest corner of Central and Tyler, and from the "AA" One-Family Dwelling District to the "BB" Office District for a 1.66-acre tract fronting on Tyler at the northeast corner of this tract. The proposed development will be limited to a maximum 161,000 square feet of floor area within a maximum of 17 buildings. The property is currently developed with the Sedgwick County 4-H Club and County Extension Service buildings. The County intends to sell the entire tract and use the proceeds to help finance a new facility at 21st and Ridge. The prospective buyer of the tract is Scholfield Automobile Dealerships.

The applicant has retained the western 100 feet and the northern 300 feet of their ownership (not included within the C.U.P. boundaries) to provide a buffer area of "AA" One-Family between the proposed development area and existing single-family residential uses to the north and west. In a separate application, the applicants are requesting a zone change from "AA" One-Family to "BB" Office for a tract located north of the proposed C.U.P. on the west side of Tyler. Property to the south of the application area is zoned "LC" Light Commercial and is developed with a strip commercial center. The property east of the application area is zoned "AA" One-Family and "LC" Light Commercial and is developed with restaurants, auto-related uses and a church. Property along Central to the west of the C.U.P. is zoned "LC" Light Commercial and is developed with doctors' offices. Other parcels north of the doctors' offices and west of the request are developed with single-family residences on "AA" zoning.

The applicant is requesting a zone change from the "AA" One-Family Dwelling District to the "LC" Light Commercial District for the northern 9.34 acres of the proposed C.U.P. Three parcels are planned for this area, ranging in size from .92 acre (Parcels 2 & 3) to 7.5 acres (Parcel 1). The proposed uses include retail business and new or used car sales (with BZA approval). Restaurant, financial institution and personal service uses have been limited to Parcels 2 and 3.

For the southern 9.93 acres, the applicant is requesting a zone change from "AA" One-Family and "LC" Light Commercial to "C" Commercial. Three parcels ranging in size from .67 acres (Parcel 5) to 7.58 acres (Parcel 4) are planned. New and used automobile sales and leasing are proposed. Additional uses for Parcel 6 include offices, while Parcel 5 permits retail uses and restaurants. Parcel 4 will also permit car repair/service and all other associated uses. The applicants have requested the "C" Commercial District for this portion to allow auto sales without needing to obtain additional approval from the Board of Zoning Appeals, which is required in the "LC" District. In addition, this is the first district to allow a body shop. The zoning ordinance does not allow body shops as a use exception in "LC" Light Commercial.

The text of the C.U.P. prohibits adult entertainment, taverns, private clubs and drinking establishments from all of the parcels. The text specifies that new and used car sales does not include the outside storage of salvaged vehicles and parts or the sale of heavy trucks, motorcycles, boats, campers or other recreational vehicles, unless traded in at this site. In addition, the text limits the adjustments that may be made to the C.U.P. administratively (see #3 and #4, General Provisions).

Each parcel is limited to one pole sign, with the exception of Parcel 4. Parcel 4 is permitted a total of four pole signs, plus one multiple-use pole sign at the major entrance from Central for use by Parcel 1. The text prohibits the use of flags, pennants, string lights and balloons, except for allowing one fixed banner not exceeding 50 square feet for each light pole. Special promotional items and fixed banners are permitted, but their display shall not

exceed 12 events per year and a total of 90 days per year for all events.

The applicant will provide a six- to eight-foot solid or semi-solid screening wall along the northern edge of Parcel 1. Screening by either a six- to eight-foot solid or semi-solid wall or a 100-foot landscaped area or a combination of a wall and 50 feet of landscaping is required along the western property line of Parcels 1 and 4. In any case, there will be a 100-foot buffer between the west boundary of Parcels 1 and 4 and the rear property line of the residences to the west. Landscaping for all of the commercial parcels must meet the requirements of the new landscape ordinance. In addition, Parcel 4 would be required to provide at least 20,000 square feet of landscaped area, with at least 40 shade trees, which is about 1/3 more area and trees than the minimum ordinance requirements.

The site will access Central and Tyler, both four-lane paved arterials with adequate amounts of right-of-way. The C.U.P. has limited access to Tyler, with five access points, two of which are right turns only. Access to Central is limited to four access points, three of which are right turns only. In addition, the applicant will guarantee the construction of a continuous deceleration lane to serve all openings on Central and Tyler and make necessary left-turn improvements to Tyler at the time of platting.

From an evaluation performed by the Transportation Division of the Planning Department in December of 1992 of 279 signalized intersections in the city, the intersection of Central and Tyler ranked as the 41st highest congested intersection, based on traffic volume and capacity. The proposed automobile sales and service use can be expected to generate approximately 575 additional trips per day, a relatively low amount. The proposed retail uses, which are limited by the C.U.P. to less square footage than would normally be developed, can be expected to generate approximately 6,688 additional trips per day (7,263 trips total). However, given that a portion of the applicant's property is already zoned for light commercial uses, the C.U.P. does not permit substantial amounts of additional traffic over that which might be generated from the property as currently zoned. It is estimated that the current six acres of existing light commercial zoning would generate 6,734 trips per day (35% lot coverage) and that the remaining property, if developed for single-family residential uses, would add 590 trips per day (7,324 total trips). Thus, the applicant's proposed development will generate slightly less traffic (61 trips) than if the property were developed in a typical fashion.

The 1978 Comprehensive Plan depicts commercial uses at the corner surrounded by residential uses. The proposed 1992 Comprehensive Plan designates this area for public and institutional uses, consistent with the current uses of the property. The locational guidelines established by the proposed Comprehensive Plan indicate that commercial uses should be located next to major arterials where traffic will not feed onto residential streets. The plan also recommends site and other design features for commercial property to limit the impacts of

noise and lighting. The proposed Comprehensive Plan suggests that auto-related and other similar uses could be located away from Kellogg and other such already established areas if "traffic patterns, surrounding land use and utilities can support such uses," which appears to be the case.

At the MAPC hearing, the applicants also agreed to:

- restrict against administrative adjustments of uses permitted, perimeter setbacks, and total floor area;

- only permit auto service or self-storage uses on Parcel 1 through a CUP amendment;

- install a wall and landscaping along the west line of Parcels 1 and 4 per a specific plan submitted at the meeting; and

- file restrictive covenants on the "AA" land in the northwest portion of the tract limiting lots to a size no smaller than the lots adjacent to the north.

Since the MAPC meeting, the applicants have also agreed to:

- install the wall/landscaping along both Parcels 1 and 4 with the development of either parcel; and

- guarantees to pay for traffic signals at major openings on Central and Tyler, if warranted.

Case No. Z-3086:

BACKGROUND: The applicants are requesting a zone change from the "AA" One-Family Dwelling District to the "BB" Office District for a 1.66-acre portion of a 29-acre County-owned 4-H tract located 140 feet south of Bekemeyer on the west side of Tyler. A specific use for this site has not been indicated.

The property to the north and west of the application area is zoned "AA" One-Family. Single-family homes exist to the north. The property to the west is currently vacant. The property to the south is currently used by the 4-H Club and is zoned "AA". A zone change to "LC" Light Commercial (Z-3085) and a Commercial C.U.P. (DP-209) have been proposed for the property. The property immediately to the east is zoned "AA" One-Family and is currently developed with a church. Several office uses exist to the northeast on property zoned "BB" Office.

The site will access Tyler, a four-lane paved arterial with adequate existing right-of-way. As part of the platting requirements associated with the proposed C.U.P. to the south, the applicants will be guaranteeing improvements to Tyler Road. Additional improvements specific to this site may also be addressed at the time of platting.

Both the 1978 and the proposed 1992 Comprehensive Plans indicate this area for residential uses. The "BB" Office District, which permits offices, laboratories and medical and dental clinics, has been customarily considered a compatible district to residential uses. The proposed plan indicates that low-density office uses can serve as a transitional use between residential and higher-intensity uses. In this case, the proposed area for "BB" Office will serve as a buffer between the existing residential uses to the north and the proposed retail uses to the south.

At the MAPC hearing, the applicants volunteered to file restrictive covenants prohibiting any nonresidential use except for single family, and restricting any buildings to one story within 150 feet of the north property line unless that line is planted with a privacy screen of evergreen trees at least 10 feet tall at planting.

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change, subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or

2. Return the application to the MAPC for reconsideration, stating reasons; or

3. Override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the governing body.

(_____) Pu' ished in The Daily Reporte on 4-12-93

ORDINANCE NO. 41-970

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No.Z-3085

Zone change from the "AA" One-Family Dwelling District to the "LC" Light-Commercial District

Lots 1, 2, and 3, Block A, Four H Addition, Wichita, Sedgwick County, Kansas

and

Zone change from the "AA" One-Family Dwelling District and the "LC" Light-Commercial District to the "C" Commercial District

Lots 4, 5, and 6, Block A, Four H Addition, Wichita, Sedgwick County, Kansas

Generally located at the northwest corner of Central and Tyler Road

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

ATTEST:

_____ _____

(SEAL) City Clerk Mayor

Approved as to form:

_____

City Attorney